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October 28, 2021

Via Electronic Case Filing

The Honorable Jesse M. Furman
United States District Judge
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, New York 10007

**Re: Tangle, Inc. v. The Individuals, et al. Identified on Schedule A
Civil Action No. 1:21-cv-7024 (JMF)**

Dear Judge Furman:

This firm represents plaintiff Tangle, Inc. (“Tangle”), in connection with the above-referenced matter. We write to respectfully request a short adjournment of the October 28, 2021 deadline to file a motion for default judgment, as set forth in the Court’s October 12, 2021 Order [Dkt. No. 43]. Tangle requests that the deadline be adjourned for one week, until November 4, 2021.

First and foremost, we apologize for submitting this last minute request, and acknowledge that our request at this late hour is essentially application for relief *nunc pro tunc*. We certainly made every effort to comply with the Court’s deadline and, in fact, have our motion for default judgment ready to file, but have not yet received the Clerk’s Certificate of Default (the “Certificate”), which is a necessary exhibit to that application.

To briefly explain: over the past three days, we have had no less than five separate phone calls with the Clerk’s Office seeking to cause the Certificate to be issued. To be sure, the Clerk’s staff has been extremely helpful and responsive. Unfortunately, however, the Clerk’s Office modified their procedure for handling matters such as this one, in which the numerous defendants were initially identified on a sealed “Schedule A.” This has delayed issuance of the Certificate.

Whereas the Clerk’s Office used to issue the Certificate with only Schedule A attached, the Office now requires each defendant’s name to be entered into the ECF system, and cross checked against the defendants who have been dismissed or otherwise appeared. Given the number of defendants in the case and the unique names used by each defendant, this process has delayed the

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Clerk's issuance of the Certificate. We were informed late in the afternoon today that the Certificate would not issue today, preventing us from filing the motion for default judgment.

We understand that the Certificate should be issued in the next few days, and thus respectfully request a short adjournment of the filing deadline for one week, until November 4, 2021, which should be more than enough time. We respectfully submit that defendants will face no prejudice by this short adjournment because the original date for defendant to appear and show cause why the default judgment should not be entered (November 18, 2021) was recently rescheduled by the Court until November 24, 2021. See Dkt. No. 52. Thus, defendants will still have twenty days between the filing of the motion and the hearing date if this request is granted.

No previous request to adjourn this deadline has been made.

We thank the Court for its time and attention to, and continued patience with, this matter and, of course, can make ourselves available at the Court's convenience to address the issues raised in this letter.

Respectfully submitted,

/s/ Michael R. Yellin

Michael R. Yellin

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Application GRANTED. Plaintiff is admonished that it must promptly comply with ECF filing requirements, as instructed by the Clerk's Office. Further extension requests based on delays due to failure to promptly comply with ECF filing requirements will not be granted. The Clerk of Court is directed to terminate ECF No. 58.

SO ORDERED.



October 29, 2021